

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04 CV 10746 JLT

IVAN SANTIAGO,
Plaintiff

v.

MARCUS EDDINGS
Defendants

**DEFENDANT MARCUS EDDINGS' PROPOSED VERDICT ON SPECIAL QUESTIONS
TO THE JURY**

As to each question you are directed to answer, state your answer by placing a check mark in the blank beside the word that indicates your finding.

Body Cavity Search – Santiago v. Eddings

1. Do you find that the Plaintiff, Ivan Santiago, has established by a preponderance of evidence that on March 20, 2003, the Defendant, Marcus Eddings, performed an anal body cavity search on him, that is, that Sergeant Marcus Eddings inserted his finger into Santiago's rectum?

NO _____

YES _____

If NO, proceed to Question 3. If YES, proceed to Question 2.

2. If you answered YES to question 1;

Do you find that the Plaintiff, Ivan Santiago, has established by a preponderance of evidence that Sergeant Eddings's action(s) proximately caused the Plaintiff to suffer any injury?

NO _____

YES _____

Proceed.

Massachusetts Civil Rights Act – Santiago v. Eddings

3. Do you find that that the Plaintiff, Ivan Santiago, has established by a preponderance of evidence that Sergeant Eddings interfered with Santiago's lawful exercise or enjoyment of rights secured by the Constitution or laws of the United States by the use of threats,

intimidation and coercion by giving him a body cavity search, that is, by Sergeant Eddings inserting his finger into Santiago's rectum?

NO _____

YES _____

4. If you answered YES to question number 3, do you find that the Plaintiff, Ivan Santiago, has established by a preponderance of evidence that Sergeant Eddings' action proximately caused the Plaintiff to suffer injury?

NO _____

YES _____

Proceed

Damages

7. What amount of damages, if any, do you award to the plaintiff against (Answer in dollars or NONE):

(a) Marcus Eddings \$_____

DATE

FOREPERSON

Respectfully submitted,
DEFENDANT MARCUS EDDINGS
William F. Sinnott
Corporation Counsel

By his attorneys:

/s/ Helen G. Litsas
Thomas Donohue, BBO #643483
Helen G. Litsas, BBO# 644848
Assistant Corporation Counsel
City of Boston Law Department
Room 615, City Hall
Boston, MA 02201
(617) 635-4039 (Donohue)
(617) 635-4023 (Litsas)

Dated: November 8, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the ECF system and will therefore be sent electronically to the registered participants as identified on the Notice of Electric Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 8, 2006.

/s/ Helen G. Litsas
Helen G. Litsas